

Remarks

Applicants have amended claims 1 to 4, and have added new claims 9 to 15. No claims have been canceled. Applicants have also addressed the non-compliant issues raised by the Patent Office relating to claims 5 to 8. Accordingly, upon entry of this Amendment claims 1 to 15 are pending in this patent application.

Applicants address each and every one of the points raised in the above-identified Office action as follows:

I. Amendment of Specification and Drawings

The Examiner has requested that Applicants review the drawings and specification for any errors. Applicants have amended the specification as noted above to cancel reference to certain element numbers not illustrated in the figures. Applicants are additionally enclosing a replacement drawing sheet 5 that includes FIG. 7 as amended to include reference numeral 48. Applicants submit that the specification and drawings are in good condition and respectfully request that any objection on this basis be reconsidered and withdrawn.

II. Claim Rejection Under Section 112

Claims 1 to 8 have been rejected under 35 U.S.C. §112, second paragraph. Applicants have amended independent claim 1 to address any issues of antecedent basis as noted by the Examiner. In view thereof, Applicants respectfully request that the rejection of claims 1 to 8 under 35 U.S.C. §112 be reconsidered and withdrawn.

III. Claim Rejection Under Section 102

Claims 1 to 8 have been rejected under 35 U.S.C. §102 as being allegedly anticipated by JP 63202345 (the '345 patent). Applicants note that the subject

matter as recited in independent claim 1 includes the feature that the penetrating tip be configured in a manner that provides an open and closed position. The '345 patent fails to disclose or remotely suggest the presence of such a feature. For this reason, Applicants submit that the '345 patent does not properly anticipate Applicants' device as recited in independent claim 1 under 35 U.S.C. §102, and therefore respectfully requests that the rejection of this claim, and claims 2 to 8 depending therefrom, under 35 U.S.C. §102 be reconsidered and withdrawn.

**IV. Obvious-Type Double Patenting**

Claims 1 to 8 have been rejected on the basis of obviousness-type double patenting in view of the claims in US Patent No. 6,578,470. Applicants are enclosing herewith a properly prepared and executed Terminal Disclaimer. In view thereof, Applicants respectfully request that the rejection of the claims on the basis of double patenting be reconsidered and withdrawn.

**V. New Claims**

Applicants have added new claims 9 to 15. Applicants submit that these claims are supported by the specification and are not anticipated by the '345 patent noted above. In view thereof, Applicants respectfully request that these new claims be entered, examiner and allowed.

**VI. Conclusion**

For the reasons presented above, Applicants respectfully request that the amendment to the specification and drawings be entered, that the claim rejection under 35 U.S.C. §112, under 35 U.S.C. §102, and for obviousness-type double patenting be reconsidered and withdrawn, and that new claims 9 to 15 be entered and allowed.

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. The Commissioner is authorized to charge any underpayment or overpayment of fees due, including extension of time fees, to Deposit Account No. 50-3683.

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Respectfully submitted,

  
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